



House of Representatives

General Assembly

File No. 244

January Session, 2011

House Bill No. 6345

House of Representatives, March 28, 2011

The Committee on Judiciary reported through REP. FOX of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT CONCERNING DISCLOSURE OF INFORMATION TO A
PARENT OR GUARDIAN OF A YOUTHFUL OFFENDER IN THE
CUSTODY OF THE DEPARTMENT OF CORRECTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-76l of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The records or other information of a youth, other than a youth
4 arrested for or charged with the commission of a crime which is a class
5 A felony or a violation of section 14-222a, subsection (a) of section 14-
6 224, section 14-227a or 14-227g, subdivision (2) of subsection (a) of
7 section 53-21 or section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-
8 72b, except a violation involving consensual sexual intercourse or
9 sexual contact between the youth and another person who is thirteen
10 years of age or older but under sixteen years of age, including
11 fingerprints, photographs and physical descriptions, shall be
12 confidential and shall not be open to public inspection or be disclosed
13 except as provided in this section, but such fingerprints, photographs

14 and physical descriptions submitted to the State Police Bureau of
15 Identification of the Division of State Police within the Department of
16 Public Safety at the time of the arrest of a person subsequently
17 adjudged, or subsequently presumed or determined to be eligible to be
18 adjudged, a youthful offender shall be retained as confidential matter
19 in the files of the bureau and be opened to inspection only as provided
20 in this section. Other data ordinarily received by the bureau, with
21 regard to persons arrested for a crime, shall be forwarded to the
22 bureau to be filed, in addition to such fingerprints, photographs and
23 physical descriptions, and be retained in the division as confidential
24 information, open to inspection only as provided in this section.

25 (b) The records of any such youth, or any part thereof, may be
26 disclosed to and between individuals and agencies, and employees of
27 such agencies, providing services directly to the youth, including law
28 enforcement officials, state and federal prosecutorial officials, school
29 officials in accordance with section 10-233h, court officials, the Division
30 of Criminal Justice, the Court Support Services Division and a victim
31 advocate under section 54-220 for a victim of a crime committed by the
32 youth. Such records shall also be available to the attorney representing
33 the youth, in any proceedings in which such records are relevant, to
34 the parents or guardian of such youth, until such time as the youth
35 reaches the age of majority or is emancipated, and to the youth upon
36 his or her emancipation or attainment of the age of majority, provided
37 proof of the identity of such youth is submitted in accordance with
38 guidelines prescribed by the Chief Court Administrator. Such records
39 shall also be available to members and employees of the Board of
40 Pardons and Paroles and employees of the Department of Correction
41 who, in the performance of their duties, require access to such records,
42 provided the subject of the record has been adjudged a youthful
43 offender and sentenced to a term of imprisonment or been convicted of
44 a crime in the regular criminal docket of the Superior Court, and such
45 records are relevant to the performance of a risk and needs assessment
46 of such person while such person is incarcerated, the determination of
47 such person's suitability for release from incarceration or for a pardon,
48 or the determination of the supervision and treatment needs of such

49 person while on parole or other supervised release. Such records shall
50 also be available to law enforcement officials and prosecutorial officials
51 conducting legitimate criminal investigations. Such records disclosed
52 pursuant to this subsection shall not be further disclosed.

53 (c) The records of any such youth, or any part thereof, may be
54 disclosed upon order of the court to any person who has a legitimate
55 interest in the information and is identified in such order. Records or
56 information disclosed pursuant to this subsection shall not be further
57 disclosed.

58 (d) The records of any such youth, or any part thereof, shall be
59 available to the victim of the crime committed by such youth to the
60 same extent as the record of the case of a defendant in a criminal
61 proceeding in the regular criminal docket of the Superior Court is
62 available to a victim of the crime committed by such defendant. The
63 court shall designate an official from whom such victim may request
64 such information. Information disclosed pursuant to this subsection
65 shall not be further disclosed.

66 (e) Any reports and files held by the Court Support Services
67 Division regarding any such youth who served a period of probation
68 may be accessed and disclosed by employees of the division for the
69 purpose of performing the duties contained in section 54-63b.

70 (f) Information concerning any such youth who has escaped from an
71 institution to which such youth has been committed or for whom an
72 arrest warrant has been issued may be disclosed by law enforcement
73 officials.

74 (g) Information concerning any such youth in the custody of the
75 Department of Correction may be disclosed by the department to the
76 parents or guardian of such youth.

77 [(g)] (h) The information contained in and concerning the issuance
78 of any protective order issued in a case in which a person is presumed
79 or determined to be eligible to be adjudged a youthful offender shall

80 be entered in the registry of protective orders pursuant to section 51-5c
81 and may be further disclosed as specified in said section.

82 [(h)] (i) The records of any youth adjudged a youthful offender for a
83 violation of section 14-215 or 14-222, subsection (b) of section 14-223 or
84 subsection (b) or (c) of section 14-224 shall be disclosed to the
85 Department of Motor Vehicles for administrative use in determining
86 whether suspension of such person's motor vehicle operator's license is
87 warranted. The commissioner shall suspend the motor vehicle
88 operator's license of such youth for six months for a first offense and
89 one year for a second or subsequent offense. Such records disclosed
90 pursuant to this subsection shall not be further disclosed.

91 [(i)] (j) The provisions of this section, as amended by public act 05-
92 232, apply to offenses committed after January 1, 2006, and do not
93 affect any cases pending on said date or any investigations involving
94 offenses committed prior to said date.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	54-76l
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

No fiscal impact will result from authorizing the Department of Correction to disclose information concerning a youth in its custody to his or her parent or guardian.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 6345****SUMMARY:**

This bill authorizes the Department of Correction to disclose otherwise confidential information about a youthful offender to his or her parents or guardian. By law, they already have access to police and court records.

Youthful offenders are 17-year-olds accused of specified crimes. Generally, these crimes include everything but class A felonies, sex offenses, negligent homicide, and driving under the influence.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 34 Nay 0 (03/11/2011)